

# EXHIBIT I -

## IEEO Documents

Nanette Malebranche  
Managing Director  
Tri-State District

USGO  
510 Stewart Ave  
Garden City, NY 11530

Telephone 516-214-9591



November 23, 2021

Kevin Campbell  
2024 31<sup>st</sup> Street Apt 1A  
Astoria, NY 11105  
347-554-0327

Dear Kevin:

Thank you for using the Internal EEO Complaint process to address your claim of alleged discrimination, harassment, and/or retaliation. Your complaint has been thoroughly investigated because FedEx Express takes all claims seriously in accordance with the Company's commitment to ensuring equal employment opportunities and fostering an inclusive workplace for all team members.

Your complaint was treated confidentially to the extent possible while still allowing us to conduct a full investigation and respond appropriately. The identity of witnesses, information gathered, and any disciplinary action that may be taken is confidential. Therefore, no additional information can be provided to you regarding this investigation.

We appreciate you bringing these matters to our attention and I want to remind you that FedEx Express policy prohibits any type of retaliation for filing a complaint. If you believe you have been retaliated against for filing this Internal EEO Complaint or have any other concerns, please contact a member of management or your HR Advisor/Representative immediately.

Sincerely,

*Nanette Malebranche*

Nanette Malebranche  
Managing Director  
Tri-State District

Firefox

<https://www.fedex.com/shipping/html/en/PrintIFrame.htm>



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Nanette Malebranche  
Managing Director  
TriState District

USGO  
510 Stewart Ave  
Garden City, NY 11530

Telephone 516-214-9591



**PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION**

**DATE:** November 23, 2021

**TO:** Steve Wasserman

**FROM:** MD Nan Malebranche

**CC:** Jeremy Ireland  
Lance Reyes

**SUBJECT:** Internal EEO Complaint Investigative Report  
Kevin Campbell, #5261177  
US Ops/North Eastern/LGAA

**Summary of Employee's Complaint**

- Complainant stated he was being bullied and discriminated against in the LGAA station.

**Employee's Specific Allegation #1**

- Complainant stated an employee asked him how is your new T.V., Complainant asked what he meant, Complainant explained the employee stated the T.V. you and your sister stole this weekend while you were rioting. Complainant claimed Operations Manager Henry Nunez (#531100, Hispanic) witnessed it.

**Management and/or Accused Response #1**

- Ops Manager Nunez Denied Allegations.

**Investigative Finding #1**

- Allegations couldn't be substantiated. Ops Manager Nunez stated he would never allow someone to speak that way to another individual. He would immediately pull the employee to the side and explain why this is unacceptable behavior.

**Employee's Specific Allegation #2**

- Complainant stated another employee asked Operations Manager Michael Bradley (#104644, White) and Operations Manager Steve Pasqualicchio (#781248, White) doesn't Complainant "look like a person who would steal your radio and try to sell it to you?"

**Management and/or Accused Response #2**

- Ops Manager Bradley, and Pasqualicchio Denied Allegations.

**Investigative Finding #2**

- Complainants Allegations could not be substantiated. Both Ops Managers stated they would not allow that and would address it immediately.

**Employee's Specific Allegation #3**

- Complainant stated two employees called Complainant a gorilla in a cage because he was helping out in the DEX cage.

**Management and/or Accused Response #3**

- Management denied allegation.

**Investigative Finding #3**

- Complainants' allegation could not be substantiated. There were no witnesses to this allegation.

**Report Conclusion**

- No policy violations were revealed during this investigation.

**Corrective Action (if applicable)**

None.

Nanette Malebranche

Nanette Malebranche  
Managing Director  
Tri-State District

11/23/21

Date

Henry Nuney

8/25/2021

- 1) Pull aside - talk to them - cannot talk to people the way you did 5-6-7 years. Anything can be taken as a slur. Even if you don't mean it that way - be careful what you say
- 2) No - I never - I was never there - I never heard even through someone else.

Michael Bradley

8/25/2021

- 1) Keep quiet - cursing - no - don't condone racial jokes
- 2) No - I do not recall that at all  
If you did what would you say - Stop - not appropriate

Steve Pas

8/25/2021

- 1) Walk up take ee on side - explain disruptive behavior inappropriate - policy bad language could lead to documentation - HR - racial slurs - not tolerated no tolerance - zero tolerance -
- 2) No - no I do not - not around the two of them

## Nan Malebranche

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**From:** Lance Reyes  
**Sent:** Tuesday, August 24, 2021 1:31 PM  
**To:** Nan Malebranche  
**Subject:** Draft questions

Nan,

Here are some draft questions for the managers at LGAA:

### **IEEO Questions: Ops Manager Henry, Steve, Mike**

#### **Henry**

1. How do you handle situations like inappropriate language or inappropriate slurs being said between employees?
2. Do you recall Statement from Rob the mechanic to Kevin Campbell stating, "how is your new tv", "the tv you and your sister stole this weekend while you were rioting?"

#### **Mike and Steve**

1. How do you handle situations like inappropriate language or inappropriate slurs being said between employees?
2. Do you recall statement from David Almeta to Kevin Campbell stating, "he doesn't look like he would steal your radio and sell it right back to you?"

Please add or edit as you see fit. Thank you,

Lance Reyes | Associate HR Rep | FedEx Express | Tri-State District | Office (718) 995-5367 | Cell (718) 683-1175

Kevin Campbell #5261177

8/24/21

- 1) From when Pete call me TNT - beginning of slope -  
Summer 2020 Henry Nunez  
Rob Mechanic - how's your TV - TV you & your sister  
Steve - James Sherked did not say anything -  
One more - David Almeta speaking to Mike Bradley  
Radio and sell it back to you - Sirry, at night  
why write a statement if no one is stealing up there  
None back they would address it (Steve Pasquale)

2) Henry & Monty knew did nothing about it.  
Did not know I could go to Lance

3) JC - Courier @ night Roberta

4) above

5) above

6) Came from TNT - no license - has to go out with  
someone else - kept asking me to get license  
during COVID did not go on road

## TNT - Offer letter

Investigation - nothing is the truth.

**IEEO Questions: Kevin Campbell**

1. When did the harassment first start?
2. Why didn't you contact Eric or HR?
3. Who was the employee that called you a "Gorilla in a cage"?
4. Who was the employee who asked if you were out stealing TV's and looting?
5. Were there any witnesses? If yes specifically, who?
6. Mentioned mistreatment by managers because you did not have a license. Who are the managers? And why do you feel this way?



### STEP 3 GFTP FORM

Full Name: Kevin Arlando Campbell Employee Number: 5261177  
(Please Print)

Job Title: Non-driver/Courier Date of Hire: Apr. 11, 2017

Department: Federal Express - LG AA Station Termination Date: May 25, 2021  
III

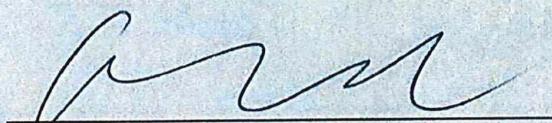
Home Street Address: 20-24 31st street, Apt 1A  
(Please do NOT use a P.O. Box address)

City & State: Astoria, NY Zip Code: 11105

Home Phone Number: N/A Cell Phone Number: 347 885 8047

Email Address: novganon@gmail.com

I CERTIFY THE INFORMATION I AM SUPPLYING IS COMPLETE, TRUTHFUL, AND ACCURATE.

  
Signature

6/23/21  
Date

RECEIVED HR SERVICES
JUN 23 2021
_____

CSC  
Email  
6/23/21

5261177



1. Provide any additional information below that you believe is relevant to your GFTP case.  
(If necessary, please use additional pages and do NOT write on the back of this form)

Please see Annex A for the description of events previously provided in GFT steps 1 and 2 and Annex B for responses to the letter received in GFT Step 2 and the letter provided on June 4, 2021 by Monty Borrell previously provided in GFT step 2

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Employee Number 5261177

Annex A

I am filing this GFT Claim form because I believe Fedex Express wrongfully terminated me on May 25, 2021. On Tuesday morning of May 18, 2021, I was working the split, which is my morning function. Augusto's morning function is to do the recycle. Often he will approach me and curse me out because he incorrectly feels that I am not doing a good job on the split. Since he is not my manager, I ignore him and just continue working when he starts acting unreasonably. On multiple occasions, Augusto went as far as to hit into me but I continued to ignore him. On Tuesday May 18<sup>th</sup> Augusto started his usual behavior. He walked over to me and began cursing me out. Specifically, he said "Piece of shit, Kevin. Mother fucking, Kevin. Making me work harder." I planned to ignore him and continue working as usual. He walked closer to me and pushed a box up the belt. I know that this was intentional because he pushed the box in the opposite direction than the direction that the belt moves in. The first boxed missed me. He then pushed a second box up the belt, which hit my forearm. I turned to face Augusto and asked him why he hit me with the box. He stared at me for a few seconds and then he pulled out an orange box cutter from his pocket and fully extended it. He had the type of box cutter that has a long blade and he extended it until it was a few inches long. He started swinging his arm that was holding the box cutter and making a motion as if he was going to slash me. I grabbed his arm to stop him from cutting me. I kept asking him to drop the box cutter while I was holding his arm but he refused. At this point, multiple people ran over and tried to wrestle the box cutter away from Augusto. I also continued to try to get the box cutter out of his hand. His refusal to drop the box cutter made me feel like my life and the lives of everyone who was trying to get the box cutter from him was in danger. Someone was finally able to get the box cutter from him. I am not sure who because of the commotion. I then walked away.

I am very shocked and upset that I was terminated because of the events on May 18<sup>th</sup>. Augusto verbally abused me and created a hostile work environment on multiple occasions and in full view of managers and other employees. On May 18<sup>th</sup> Augusto verbally abused me again, assaulted me with a box and then attempted to assault me with a weapon. Neither management nor security called the police even though Augusto had a weapon and was a danger to me and everyone else. I was not the aggressor in this situation. I did not argue with Augusto and I did not touch Augusto, except to try to stop him from slashing me after he pulled out a box cutter. I also did not violate any Fedex Express policies. I was told that I was terminated because I "bumped into" Augusto prior to him pulling out the box cutter. However, that did not happen. I did not hit into or touch Augusto in any way. The only reason that we were standing so close when I turned to Augusto to ask him why he hit me with the box is because he had already invaded my personal space and was standing very close to me.

I feel that my wrongful termination is part of a pattern of discrimination and retaliation against me. This pattern started from my first day at Fedex Express. I was hired by Fedex Express when they acquired TNT. I did not have my driver's license when I was first hired and have been harassed about this fact since my start date. I received mixed messages from management about how late I could work. I was often told to go home early and was not allowed to make 35 hours, even though I am a full time

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employee. However, on other occasions, I was yelled at for leaving early. I was also told on multiple occasions that I can't possibly work hard because I do not have my own route. I was hired as a non-driving courier and I always worked very hard when I was sent out with drivers. After the death of George Floyd and the protests in the summer of 2020, the work environment became more tense and hostile. One employee called me a "gorilla in a cage." Another employee asked me in front of management if I was out during the protests stealing TVs and looting. I felt that this hostile environment was condoned by management because they were often present for these incidents and did nothing about them. Also around the time of the protests last summer, an employee called me Trayvon Martin, even though he knows that is not my name, and asked "Why are you washing your hands for so long? Is it because you're not used to having running water in the projects?" I wrote a statement about this racially discriminatory incident but the employee was able to keep his job. My work situation escalated after I reported the incident. Many employees stopped speaking to me and when I would walk past groups of employees they would mutter "snitch" under their breath. The other employee involved in the incident is married to a woman who works in the office of my station. She would often give me broken Leos and when I called the office to call out sick one morning she hung up on me. Although racist comments and mistreatment continued, I didn't feel like writing a statement would make the situation better. Because of that, I tried to just ignore Augusto when he would often curse me out or hit into me. I feel that the May 18<sup>th</sup> situation is a continuation of the constant discrimination and retaliation I faced. I am not accepted or liked by other employees and management because I do not drive and because I am a young black man.

Although I was the victim and not the aggressor in the May 18<sup>th</sup> situation, I was still terminated. It seems that management/security/HR looked for a reason to terminate me and embellished the story of what happened on the 18<sup>th</sup>. Most upsetting of all, I was hearing from co-workers that a manager were telling people I was terminated before I was even made aware. I have spent 11 years in the shipping business. I am good at my job and I was looking forward to driving once I was eligible this summer. I refrained from retaliating against Augusto, even when he hit me with a box, because I did not want to lose my job. I also refrained from doing anything to hurt Augusto when he pulled out a box cutter also because I did not want to lose my job. I would appreciate if Fedex Express would reconsider my termination, as I did nothing to violate Fedex policy and was actually the victim of a very dangerous situation related to a pattern of discrimination and retaliation from other employees.

Employee Number 5261177

Annex B

Please see below for clarifying points to Annex A to address claims made by Monty Bovell's letter from June 4, 2021 ("Monty's Letter") and Nanette Malebranche's letter from June 10, 2021 ("Nanette's Letter").

1. Monty's Letter stated that:

- a. I was involved in a physical and verbal altercation on May 18<sup>th</sup>. This is not factual because:
  - ii. I was not physical towards Augusto. He was physical towards me. He attempted to assault me with a box, he successfully assaulted me with a box and then attempted to assault me with a fully extended box cutter; and
  - iii. I did have a verbal altercation or argument with Augusto. Augusto approached me and cursed at me, which I ignored. After he successfully hit me with the box (as described above in 1(b)(i) and in Annex A), I asked him why he hit me with the box. I had no intention of arguing with Augusto. I only wanted him to stop assaulting me and cursing at me so that I could continue my morning function. His behavior did not surprise me as it fit with a pattern of behavior that he displayed for many months (as described in Annex A).
- b. this altercation caused a disruption that caused other employees to intervene. While this is factual, the cause of the aforementioned disruption and intervention by other employees was to protect me from Augusto, who was refusing to drop the fully extended box cutter. I was not the cause of these events.
- c. my actions placed another employee in imminent fear for their personal safety. This is blatantly false. I did not take any action that could have caused Augusto to reasonably be in imminent fear for his personal safety nor did his actions display that he was in any imminent fear for his personal safety.
  - i. I did not take any action to cause Augusto any imminent fear for his personal safety. I did not curse at Augusto, even after he cursed at me. I did not threaten Augusto. I did not assault Augusto, even after he attempted to assault me with a box and then successfully assaulted me with a box. The only action I took in this situation, prior to Augusto pulling out the box cutter, was to ask Augusto why he hit me with the box. I was hoping he would explain why he did it and/or stop. Asking someone why they hit me with a box is not reasonable grounds for imminent fear of one's personal safety and it is certainly not reasonably

Employee Number 5261177

grounds to pull out a fully extended box cutter, which could cause severe bodily harm or death;

- ii. While Augusto might have said that he was in imminent fear for his personal safety, his actions showed otherwise. It is extremely unlikely that if someone is afraid of another person they would approach that person, invade their personal space, curse at them, attempt to hit them with a box and upon realizing they were unsuccessful, make a second successful attempt to hit them with a box. Furthermore, if you are afraid of someone, when they ask you why you hit them with a box you would not stare them down, refrain from apologizing or explaining your actions and then pull out a fully extended box cutter and attempt to injure them. Augusto had multiple chances to leave or deescalate the situation. He could have walked away after cursing at me or after either the attempted assault or successfully assault with the box. He also could have walked away after I asked him why he hit me with the box. However, at every turn Augusto chose to become more and more aggressive and violet towards me; and
- iii. “Imminent fear of one’s personal safety” is a criminal law self-defense theory that I find inapplicable here. Under this theory, the harm must be reasonable (i.e., a similarly situated reasonable person would have to perceive an imminent threat of physical harm). As stated above in 1(c)(i) and (ii), I did nothing to give a reasonable person this perception of imminent harm. I did not touch Augusto, yell or curse at Augusto or threaten Augusto, prior to his pulling out the fully extended box cutter. A reasonable person would not believe they were in imminent harm just because they were asked why they hit someone with a box. Furthermore, self-defense must be proportional (i.e., the response must match the level of the imminent threat). Augusto attempted to use deadly force against me, which was not proportional to me asking him why he hit me with a box.
- d. my behavior was aggressive. This seems to be Monty’s opinion but I did not take any action that demonstrated aggression. Augusto was the aggressor in the situation for all of the reasons stated above in 1(a) and (c) and as described in Annex A. He escalated the situation at every turn. My sole goal was to get him to stop his actions and to return to my morning function.

2. Nanette’s Letter stated that:

- a. I triggered the physical altercation that took place on 5/18/2021. This is false. I did nothing to trigger someone to attempt to use deadly force against me. Augusto was the cause of every moment in this interaction. He

Employee Number 5261177

approach me without cause. He cursed at me without cause, to which I did not respond. He attempted to hit me with a box, which I ignored. He then successfully hit me with a box. Nanette claimed in our meeting on June 8, 2021 that Augusto hit me with the box by accident. This is false because it is impossible. Augusto pushed the box up the belt towards me and into me. Nanette claims that he was trying to push the box across the belt to the LGA belt. However, he clearly pushed the box up the belt in my direction twice and not across the belt. He also did not provide that explanation to me at the time but likely made this claim to explain his actions after the fact. I simply asked him why he hit me with a box. It is unreasonable to claim that asking someone a question about their actions would trigger them to attempt to cause bodily harm or death.

- b. I incited the employee. As stated above in 2(a) and in Annex A, I did not incite this altercation at any point in time.
- c. I should have walked away from the situation. I find this to be a moot point. Augusto frequently cursed at me and bumped into me. This was witnessed by many other employees and two managers (Monty Bovell and Henry Nunez). Since two managers were aware of the situation, I did not think reporting it would cause any disciplinary action. I had no reasonable to believe that Augusto would receive a letter or be terminated for his behavior because no disciplinary action had been taken on the multiple occasions that managers witnessed his behavior in the past. I also had no reason to believe that Augusto would escalate the situation in the way that he did. Given the frequency (and normalcy) of this behavior, I thought he would walk away so that I could continue working. I never thought that he would attempt to kill or injure me and that I would then be terminated.
- d. I did not maintain the professionalism expected of all Fedex employees. I find this particularly hurtful and untrue. I think I did more than could have been expected of me in this situation and on many other occasions. I value my job and come to work every day to do my best and be professional. The work environment has frequently not been professional, however. I described the discrimination and racism I faced on a regular basis in Annex A. Both managers and other employees frequently curse at each other and act aggressively towards one another. This pattern of behavior reached even the highest levels in the station, with Eric Warnders cursing at me and at others in front of me on multiple occasions. I found it very uncomfortable to be in these situations. Although I did not think anyone would care that Augusto cursed at me given the environment in the station, I never retaliated against Augusto or even responded to him. During the events in question, I maintained the utmost level of professionalism to the point of endangering my own life. I ignored Augusto when he cursed at me and when he attempted to hit me with a box. When he successfully hit me with the box, I asked him why he did it but did not physically or verbally retaliate against him. When Augusto pulled out the box cutter, I

Employee Number 5261177

could have attempted to hurt him to protect myself but I refrained. I only grabbed his wrist to try to force him to drop the box cutter. I did not defend or protect myself as forcefully as I should have (and as I legally could have) and I put my own life in danger because I was more concerned about losing my employment than protecting myself. I feel that security and management did not take Augusto's actions seriously. They did not call the police or confirm that I was ok and they rushed me, as the victim, out of the station. In return for four years of hard work and professionalism, I am being treated very unfairly.

For all of the reasons stated above in 1 and 2 and the reasons stated in Annex A, I think my termination should be reconsidered because I have been falsely accused of multiple untrue and unproven actions. I appreciate your time and consideration of this matter.

**Ken Wilson**  
Regional Vice President  
Northeast Region  
US Operations

5261177  
Eastern Region Headquarters  
1 Century Drive, 3rd Floor  
 Parsippany, NJ 07054  
973.682.3779  
kcwilson@fedex.com



**VIA FEDEX OVERNIGHT LETTER**

June 21, 2021

Kevin Campbell  
2024 31<sup>st</sup> Street  
Astoria, NY 11105  
347-825-8047

Dear Kevin,

The Guaranteed Fair Treatment Procedure (GFTP), outlined in People Policy 5-5, provides Officer Review at Step 2 in the GFTP process. A thorough review of your GFTP complaint has been completed. After reviewing all of the facts of your case, I have decided to uphold management's decision to issue you a Warning/Termination letter.

On 05/25/2021, you were issued a Warning/Termination letter for violation of the Acceptable Conduct Policy 2-5, specifically for displaying disruptive behavior in the workplace. An internal investigation has determined that your actions violated the Acceptable Conduct Policy, warranting termination.

If in good faith you believe this decision to be unfair, you have the right to proceed to the next step of the GFT Procedure, which is the Appeals Board. In order for you to do so, please review and complete the enclosed GFTP Step III document/form within (5) business days of the receipt of this notice to: Federal Express Corporation, HR Corporate Support/GFTP, 3690 Hacks Cross Road, Building I, 3rd Floor, Memphis, TN 38125. Please note that you may email your Step III GFTP complaint and related documents to [hrc.gftp@fedex.com](mailto:hrc.gftp@fedex.com). The enclosed Step III form or email must be postmarked on or before business day (5). Your Human Resources Advisor is available for assistance.

Sincerely,

Ken Wilson  
Vice President  
Northeast Region

CC: Nan Malebranche  
Eric Wardners  
Monty Bovell

Steve Wasserman  
Lance Reyes  
HR Compliance

EEO Kevin Campbell

No.

Date

- From when pete called him Traywugun Martin..
- "Summer of 2020 around June. Henry,  
Rob the mechanic said "How is your new TV" - "The TV you and your <sup>new</sup> sister stole this weekend while you were riding."
- David Almita  
↳ "He doesn't look like a person who would steal your radio and sell it right back to you."
- No manager said they would address it.  
\* Mike Brad, Steve Pase were there.
- Henry\*  
See Henry, Mike, Steve.  
"Sean Carl"  
J,L and Jeff Durante called him a Gorilla in a cage because he was helping ~~Rob~~ Roberts in the cage with Dex's

No.

Date

Because of COVID he wasn't able to go out with someone close to him or his family.

Henry

- Phills upside and Explain that they can't talk to a certain person.  
Have to be careful what you say in front of people.
- No does not recall.  
Never heard it.

Steve

- ~~He~~ Take Employees upside and explain that it is disruptive behavior.  
Don't Tolerate inappropriate language  
Zero Tolerance for racial slurs.
- Don't Recall this conversation.  
↳ He has never seen them together

No. \_\_\_\_\_  
Date \_\_\_\_\_

Mike

- He addresses it.
  - ↳ Don't condone.
- Doesn't recall that statement being made.